



Reprinted
January 31, 2006

SENATE BILL No. 333

DIGEST OF SB 333 (Updated January 30, 2006 4:53 pm - DI 77)

Citations Affected: IC 15-5; IC 16-39; IC 16-42; IC 25-1; IC 25-4; IC 25-6.1; IC 25-7; IC 25-8; IC 25-13; IC 25-14; IC 25-15; IC 25-22.5; IC 25-23; IC 25-23.7; IC 25-24; IC 25-26; IC 25-30; IC 25-33; IC 25-34.1; noncode.

Synopsis: Professional licensing. Amends the certification requirements for foreign educated veterinarians. Requires a person who has failed the veterinarian examination three times to take remedial education before being allowed to retake the examination. Requires that providing a patient with a contact lens prescription must comply with federal law. Establishes continuing education requirements that apply to all professions that require continuing education. Requires licensed professionals to provide the professional licensing agency (agency) with the person's Social Security number. Allows the agency to release social security numbers to testing services and state boards and professional organizations. Establishes uniform professional license reinstatement requirements. Requires barbering and cosmetology schools to administer the practical examination. Removes barber health certificate requirements. Allows the medical licensing board to establish conditions to reactivate a physician's license. Allows the agency to set a uniform renewal date for licensed manufactured home installers. Transfers the duties of the optometric legend drug prescription advisory committee to the optometry board. Removes the private detective licensure exemption for certain law enforcement officers. Establishes a limited scope temporary psychology permit. Requires a person who passes the real estate salesperson examination or broker examination to apply for a license within one year. Repeals provisions concerning: license reinstatement; temporary barbers and cosmetology licenses; master cosmetologist licenses; shampoo operator licenses; cosmetology continuing education; expired provision concerning hearing aid dealers; and nonconforming continuing education provisions. Makes technical and conforming amendments.

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Effective: July 1, 2006.

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January 10, 2006, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.
January 26, 2006, amended, reported favorably — Do Pass.
January 30, 2006, read second time, amended, ordered engrossed.

SB 333—LS 6991/DI 77+



Reprinted
January 31, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 333

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 15-5-1.1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this
3 chapter:
4 "Accredited college of veterinary medicine" means a veterinary
5 college or division of a university or college that:
6 (1) offers the degree doctor of veterinary medicine or its
7 equivalent;
8 (2) conforms to the standards required for accreditation by the
9 American Veterinary Medical Association; and
10 (3) is accredited by the American Veterinary Medical Association
11 or an accrediting agency that has been approved by the United
12 States Department of Education or its successor.
13 "Agency" refers to the **Indiana professional licensing agency**
14 **established by IC 25-1-5-3.**
15 "Animal" means any animal other than man and includes birds, fish,

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mammals, and reptiles, wild or domestic.

"Approved program" means a program in veterinary technology that:

(1) conforms to the standards required for accreditation by the American Veterinary Medical Association; and

(2) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

"Board" means the Indiana board of veterinary medical examiners created by this chapter.

~~"Bureau" refers to the health professions bureau established by IC 25-1-5-3.~~

~~"ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.~~

"Extern" means a senior veterinary student enrolled in an accredited college of veterinary medicine, or a second year student enrolled in an approved program in veterinary technology, employed by or working with a licensed veterinarian and under ~~his~~ **the licensed veterinarian's** direct supervision.

"Licensed veterinarian" means an individual who is licensed pursuant to this chapter to practice veterinary medicine in this state.

"Person" means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

"Practice of veterinary medicine" means:

(1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches or using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;

(2) accepting remuneration for doing any of the things described in subdivisions (3) through (6);

(3) diagnosing a specific disease or injury, or identifying and describing a disease process of animals, or performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals;

(4) prescribing a drug, medicine, appliance or application, or treatment of whatever nature for the prevention, cure, or relief of

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bodily injury or disease of animals;

(5) performing a surgical or dental operation upon an animal; or

(6) administering a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance, application, or treatment is administered at the direction and under the direct supervision of a veterinarian licensed under this chapter.

"Registered veterinary technician" means a veterinary technician registered pursuant to this chapter to work under the direct supervision of a licensed veterinarian.

"Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.

"Veterinary technician" means an individual who has successfully completed a program in veterinary technology of at least two (2) years in a school that conforms to the standards required for accreditation by the American Veterinary Medical Association and that is accredited by the American Veterinary Medical Association.

SECTION 2. IC 15-5-1.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. A person may not practice veterinary medicine in Indiana unless the person is licensed as a veterinarian in Indiana or holds a special permit issued by the board, and a person may not act as a veterinary technician in Indiana unless the person is registered as a veterinary technician in Indiana or holds a special permit issued by the board. The following persons are not required to meet the licensing, registration, or special permit requirements under this chapter:

(1) A veterinarian on the faculty of the School of Veterinary Medicine at Purdue University performing regular duties, or a veterinarian employed by the animal disease diagnostic laboratory performing regular duties.

(2) A veterinarian employed by a federal, state, or local government agency performing official duties.

(3) An individual who is a regular student in an accredited college of veterinary medicine or veterinary technology performing duties or actions assigned by instructors or working under the direct supervision of a licensed veterinarian.

(4) An extern.

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(5) A veterinarian licensed and resident in another state or nation who occasionally consults with a licensed veterinarian.

(6) The owner of an animal or a regular employee of the owner caring for and treating that animal, except where the ownership of the animal was transferred for purposes of circumventing this chapter.

(7) A guest lecturing or giving instructions or demonstrations at the School of Veterinary Medicine at Purdue University, or elsewhere, in connection with a continuing education program.

(8) An individual while engaged in bona fide scientific research which reasonably requires experimentation involving animals.

(9) A graduate of a foreign college of veterinary medicine who is:

(A) in the process of obtaining an ECFVG certificate certification from an entity that is designated by rule that indicates that the applicant has demonstrated knowledge and skill equivalent to that obtained from an accredited college of veterinary medicine; and

(B) who is under the direct supervision of a licensed veterinarian.

(10) A veterinarian who is enrolled in a postgraduate instructional program in an accredited college of veterinary medicine, performing duties or actions assigned by instructors or working under the direct supervision of a licensed veterinarian.

SECTION 3. IC 15-5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this subsection, "term" refers to an academic semester, trimester, or quarter. A person desiring a license to practice veterinary medicine in this state shall make written application to the board. The application shall state that the applicant is:

- (1) a graduate of an accredited college of veterinary medicine; or
- (2) enrolled in the last term of the last year of the veterinary medical curriculum of an accredited school of veterinary medicine.

If the applicant is enrolled as a last term student as described in subdivision (2), a letter from the dean of the student's veterinary school confirming that the applicant is a last term student, attesting to the satisfactory academic standing of the student, and stating the date on which the degree is expected to be conferred upon the student must accompany the application.

(b) A license to practice veterinary medicine in Indiana may not be issued until satisfactory proof has been furnished to the board either that the applicant has graduated from an accredited college of

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1 veterinary medicine or ~~that if the applicant is the holder of an~~
 2 ~~Educational Commission for Foreign Veterinary Graduates (ECFVG)~~
 3 ~~certificate. has not graduated from an accredited college of~~
 4 **veterinary medicine, the applicant shall provide certification from**
 5 **an entity that is designated by rule that indicates that the applicant**
 6 **has demonstrated knowledge and skill equivalent to that obtained**
 7 **from an accredited college of veterinary medicine.** The application
 8 must show such reasonable information and proof as the board may
 9 require by rule. The application must be accompanied by the fee in the
 10 amount required under this chapter.

11 ~~(b)~~ **(c)** When the board determines that the applicant possesses the
 12 proper qualifications, the board may grant the applicant a license. If an
 13 applicant is found not to be qualified to take the examination or for a
 14 license without examination, the executive secretary of the board shall
 15 immediately notify the applicant in writing of such finding and the
 16 grounds therefore. Applicants found unqualified may request a hearing
 17 on the question of their qualifications.

18 SECTION 4. IC 15-5-1.1-12 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The board shall
 20 hold at least one (1) examination for licensing veterinarians and one (1)
 21 examination for registering veterinary technicians each year but it may
 22 hold more. The ~~bureau~~ **agency** shall give notice of the time and place
 23 for each examination at least ninety (90) days in advance of the date set
 24 for the examination. A person desiring to take an examination must
 25 make application not later than the time the board may prescribe under
 26 section 8(e) of this chapter.

27 (b) The preparation, administration, and grading of examinations
 28 shall be approved by the board. Examinations shall be designed to test
 29 the examinee's knowledge of and proficiency in the subjects and
 30 techniques commonly taught in veterinary schools. To pass the
 31 examination, the examinee must demonstrate scientific and practical
 32 knowledge sufficient to prove to the board that the examinee is
 33 competent to practice veterinary medicine or to act as a veterinary
 34 technician, as the case may be. The board may adopt and use
 35 examinations approved by the National Board ~~Examination Committee.~~
 36 **of Veterinary Medical Examiners.**

37 (c) To qualify for a license as a veterinarian or to be registered as a
 38 veterinary technician, the applicant must attain a passing score in the
 39 examinations.

40 (d) After the examinations, the ~~bureau~~ **agency** shall notify each
 41 examinee of the result of the examinee's examinations and the board
 42 shall issue a license or registration certificate, as appropriate, to each

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individual who successfully completes the examinations and is otherwise qualified. The ~~bureau~~ **agency** shall keep a permanent record of the issuance of each license or registration certificate.

(e) An individual who fails to pass the required examinations may apply to take a subsequent examination. However, payment of the examination fee shall not be waived.

(f) If an applicant fails to pass the required examination within three (3) attempts in Indiana or any other state, the applicant may not retake the required examination. The applicant may be approved to take subsequent examinations upon approval by the board and completion of remedial education as required by the board.

~~(f)~~ **(g)** A license or registration certificate issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

SECTION 5. IC 15-5-1.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. The board may issue a license without an examination to a qualified applicant who:

(1) furnishes satisfactory proof that the applicant is a graduate of an accredited college of veterinary medicine or ~~holds an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate~~; **if the applicant has not graduated from an accredited college of veterinary medicine, the applicant shall provide certification from an entity that is designated by rule that indicates that the applicant has demonstrated knowledge and skill equivalent to that obtained from an accredited college of veterinary medicine;**

(2) for the five (5) years immediately preceding filing an application has been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements which are substantially equivalent to the requirements of this chapter; and

(3) otherwise meets the requirements of this chapter.

SECTION 6. IC 16-39-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This section applies to all health records except mental health records, which are governed by IC 16-39-2, IC 16-39-3, and IC 16-39-4.

(b) This article applies to all health records, except:

(1) records regarding communicable diseases, which are governed by IC 16-41-8-1; or

(2) records regarding alcohol and other drug abuse patient records, which are governed by 42 CFR, Part 2.

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(c) On written request and reasonable notice, a provider shall supply to a patient the health records possessed by the provider concerning the patient. **Subject to 15 U.S.C. 7601 et seq. and 16 CFR Part 315**, information regarding contact lenses must be given using the following guidelines:

(1) After the release of a patient from an initial fitting and follow-up period of not more than six (6) months, the contact lens prescription must be released to the patient at the patient's request.

(2) A prescription released under subdivision (1) must contain all information required to properly duplicate the contact lenses.

(3) A contact lens prescription must include the following:

(A) An expiration date of ~~not more than~~ one (1) year.

(B) The number of refills permitted.

(4) Instructions for use must be consistent with:

(A) recommendations of the contact lens manufacturer;

(B) clinical practice guidelines; and

(C) the professional judgment of the prescribing optometrist or physician licensed under IC 25-22.5.

After the release of a contact lens prescription under this subsection, liability for future fittings or dispensing of contact lenses under the original prescription lies with the dispensing company or practitioner.

(d) On a patient's written request and reasonable notice, a provider shall furnish to the patient or the patient's designee the following:

(1) A copy of the patient's health record used in assessing the patient's health condition.

(2) At the option of the patient, the pertinent part of the patient's health record relating to a specific condition, as requested by the patient.

(e) A request made under this section is valid for sixty (60) days after the date the request is made.

SECTION 7. IC 16-42-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this chapter, "practitioner" means any of the following:

(1) A licensed physician.

(2) A veterinarian licensed to practice veterinary medicine in Indiana.

(3) A dentist licensed to practice dentistry in Indiana.

(4) A podiatrist licensed to practice podiatric medicine in Indiana.

(5) An optometrist who is:

(A) licensed to practice optometry in Indiana; and

(B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.

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(6) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.

SECTION 8. IC 16-42-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatry in Indiana.
- (4) A veterinarian licensed to practice veterinary medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~: **IC 25-24-3**.

SECTION 9. IC 16-42-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatric medicine in Indiana.
- (4) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~: **IC 25-24-3**.
- (5) An advanced practice nurse licensed and granted the authority to prescribe legend drugs under IC 25-23.

SECTION 10. IC 25-1-4-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.2. As used in this chapter, "approved organization" refers to the following:**

- (1) United States Department of Education.**
- (2) Council on Post-Secondary Education.**
- (3) Joint Commission on Accreditation of Hospitals.**
- (4) Joint Commission on Healthcare Organizations.**
- (5) Federal, state, and local government agencies.**
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.**
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title or IC 15.**
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an**

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organization listed in subdivisions (1) through (7).

(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).

(10) Any other organization or individual approved by the board.

SECTION 11. IC 25-1-4-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

~~(1) Indiana board of veterinary medical examiners (IC 15-5-1-1).~~

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

~~(2) (3) Indiana athletic trainers board (IC 25-5.1-2-1).~~

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) State board of barber examiners (IC 25-7-5-1).

(6) State boxing commission (IC 25-9-1).

~~(3) (7) Board of chiropractic examiners (IC 25-10-1).~~

(8) State board of cosmetology examiners (IC 25-8-3-1).

~~(4) (9) State board of dentistry (IC 25-14-1).~~

~~(5) (10) Indiana dietitians certification board (IC 25-14.5-2-1).~~

(11) State board of registration for professional engineers (IC 25-31-1-3).

(12) Board of environmental health specialists (IC 25-32).

(13) State board of funeral and cemetery service (IC 25-15-9).

~~(6) (14) Indiana state board of health facility administrators (IC 25-19-1).~~

~~(7) (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).~~

(16) Home inspectors licensing board (IC 25-20.2-3-1).

~~(8) (17) Indiana hypnotist committee (IC 25-20.5-1-7).~~

(18) State board of registration for land surveyors (IC 25-21.5-2-1).

(19) Manufactured home installer licensing board (IC 25-23.7).

~~(9) (20) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(10) (21) Indiana state board of nursing (IC 25-23-1).~~

~~(11) (22) Occupational therapy committee (IC 25-23.5).~~

~~(12) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).~~

~~(13) (23) Indiana optometry board (IC 25-24).~~

~~(14) (24) Indiana board of pharmacy (IC 25-26).~~

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- 1 ~~(15)~~ **(25)** Indiana physical therapy committee (IC 25-27-1).
- 2 ~~(16)~~ **(26)** Physician assistant committee (IC 25-27.5).
- 3 **(27) Indiana plumbing commission (IC 25-28.5-1-3).**
- 4 ~~(17)~~ **(28)** Board of podiatric medicine (IC 25-29-2-1).
- 5 ~~(18)~~ **Board of environmental health specialists (IC 25-32).**
- 6 **(29) Private detectives licensing board (IC 25-30-1-5.1).**
- 7 ~~(19)~~ **(30)** State psychology board (IC 25-33).
- 8 **(31) Indiana real estate commission (IC 25-34.1-2).**
- 9 **(32) Real estate appraiser licensure and certification board**
- 10 **(IC 25-34.1-8).**
- 11 ~~(20)~~ **(33)** Respiratory care committee (IC 25-34.5).
- 12 **(34) Social worker, marriage and family therapist, and mental**
- 13 **health counselor board (IC 25-23.6).**
- 14 ~~(21)~~ **(35)** Speech-language pathology and audiology board
- 15 **(IC 25-35.6-2).**
- 16 **(36) Indiana board of veterinary medical examiners**
- 17 **(IC 15-5-1.1).**

18 SECTION 12. IC 25-1-4-0.5 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2006]: **Sec. 0.5. As used in this chapter, "continuing education"**
21 **means an orderly process of instruction approved by an approved**
22 **organization or the board designed to directly enhance the**
23 **practitioner's knowledge and skill in providing services relevant to**
24 **the practitioner's profession or occupation.**

25 SECTION 13. IC 25-1-4-3 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Notwithstanding
27 any other law, a board that is specifically authorized or mandated to
28 require continuing education as a condition to renew a registration,
29 certification, or license must require a practitioner to comply with the
30 following renewal requirements:

- 31 (1) The practitioner shall provide the board with a sworn
- 32 statement ~~signed~~ **executed** by the practitioner that the practitioner
- 33 has fulfilled the continuing education requirements required by
- 34 the board.
- 35 (2) The practitioner shall retain copies of certificates of
- 36 completion for continuing education courses for three (3) years
- 37 from the end of the licensing period for which the continuing
- 38 education applied. The practitioner shall provide the board with
- 39 copies of the certificates of completion upon the board's request
- 40 for a compliance audit.
- 41 (b) ~~Every two (2) years~~ **Following every license renewal period**
- 42 the board shall randomly audit for compliance more than one percent



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(1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

SECTION 14. IC 25-1-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter at the time that a practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board shall do the following:**

(1) Send the practitioner notice of noncompliance by certified mail.

(2) As a condition of license renewal, require the practitioner to comply with subsection (b).

(3) Issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend the license of the practitioner and send notice of the suspension to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner suspended under subsection (c); or

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1 (2) renew the practitioner's license in place of the conditional
2 license issued under subsection (a)(3);

3 if the practitioner supplies proof of compliance with subsection (b).

4 SECTION 15. IC 25-1-4-6 ADDED TO THE INDIANA CODE AS
5 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
6 2006]: **Sec. 6. (a)** Notwithstanding any other law, if at the time a
7 practitioner applies for license renewal or after an audit conducted
8 under section 3 of this chapter, the board determines that the
9 practitioner has failed to comply with this chapter and the
10 practitioner has previously received a notice of noncompliance
11 under section 5(a) of this chapter during the preceding license
12 period, the board shall do the following:

13 (1) Provide the practitioner notice of noncompliance by
14 certified mail.

15 (2) Deny the practitioner's application for license renewal.

16 (b) The board shall reinstate a license not renewed under
17 subsection (a) upon occurrence of the following:

18 (1) Payment by a practitioner to the board of a civil penalty
19 determined by the board, but not to exceed one thousand
20 dollars (\$1,000).

21 (2) Acquisition by the practitioner of the number of credit
22 hours required to be obtained by the practitioner during the
23 relevant license period.

24 (3) The practitioner otherwise complies with this chapter.

25 SECTION 16. IC 25-1-4-7 ADDED TO THE INDIANA CODE AS
26 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
27 2006]: **Sec. 7.** Credit hours acquired by a practitioner under section
28 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's
29 credit hour requirement for the license period in which the credit
30 hours are acquired.

31 SECTION 17. IC 25-1-4-8 ADDED TO THE INDIANA CODE AS
32 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
33 2006]: **Sec. 8.** The board may adopt rules under IC 4-22-2 to
34 implement this chapter.

35 SECTION 18. IC 25-1-5-11 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2006]: **Sec. 11. (a)** An individual who applies for a license issued
38 by a board under this chapter or who holds a license issued by a
39 board under this chapter shall provide the individual's Social
40 Security number to the agency.

41 (b) The agency and the boards shall collect and release the
42 applicant or licensee's Social Security number as provided in state

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or federal law.

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service which provides the examination for licensure to the agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

SECTION 19. IC 25-1-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

(1) a testing service which provides the examination for licensure to the licensing agency or the boards; or

(2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

SECTION 20. IC 25-1-8-6, AS AMENDED BY P.L.206-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) As used in this section, "board" ~~has the meaning set forth in IC 25-1-4-0.3;~~ means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana athletic trainers board (IC 25-5.1-2-1).

(4) Indiana auctioneer commission (IC 25-6.1-2-1).

(5) State board of barber examiners (IC 25-7-5-1).

(6) State boxing commission (IC 25-9-1).

(7) Board of chiropractic examiners (IC 25-10-1).

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- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of

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a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 21. IC 25-4-1-14, AS AMENDED BY P.L.194-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Every registered architect who continues in active practice shall, biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the registered architect's certificate of registration and pay the required renewal fee. A registered architect whose certificate of registration has expired may have the certificate restored only upon payment of the required fee under

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~~IC 25-1-8-7.~~ **IC 25-1-8-6.**

(b) Subject to subsection (c), any architect registered or licensed in this state who has failed to renew the architect's certificate of registration for a period of not more than five (5) years may have the certificate renewed at any time within a period of five (5) years after the registration expired upon:

(1) making application to the board for renewal of the registration; and

(2) paying a fee required under ~~IC 25-1-8-7.~~ **IC 25-1-8-6.**

(c) If any registered architect desires to retire from the practice of architecture in Indiana, the architect may submit to the board the architect's verified statement of intention to withdraw from practice. The statement shall be entered upon the records of the board. During the period of the architect's retirement, the architect is not liable for any renewal or restoration fees. If any retired architect desires to return to the practice of architecture in Indiana within a period of five (5) years from the date that the architect files a statement under this subsection, the retired architect must:

(1) file with the board a verified statement indicating the architect's desire to return to the practice of architecture; and

(2) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter.

SECTION 22. IC 25-4-1-16, AS AMENDED BY P.L.194-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(b) The fee to be paid by an applicant for a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(c) The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be established under ~~IC 25-1-8-7.~~ **IC 25-1-8-6.** The restoration fee shall be in addition to all unpaid renewal fees.

(d) The fee to be paid upon renewal of a certificate of registration shall be established by the board under IC 25-1-8-2.

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be established by the board under IC 25-1-8-2.

SECTION 23. IC 25-4-1-31 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) The board may
2 adopt rules under IC 4-22-2 to do the following:

- 3 (1) Require continuing education and training for architects.
- 4 (2) Set minimum requirements for continuing education and
- 5 training for architects.
- 6 (3) Set minimum requirements for continuing education
- 7 instructors approved by the board.

8 (b) The rules adopted under this section must require an architect to
9 comply with the following: ~~renewal requirements:~~

10 (1) The architect shall provide the board with a sworn statement
11 signed by the architect that the architect has fulfilled the
12 continuing education requirements required by the board.

13 (2) The architect shall retain copies of certificates of completion
14 for continuing education courses for three (3) years after the end
15 of the licensing period for which the continuing education
16 applied. The architect shall provide the board with copies of the
17 certificates of completion upon the board's request for a
18 compliance audit. **requirements under IC 25-1-4.**

19 (c) Every two (2) years the board shall randomly audit for
20 compliance more than one percent (1%) but less than ten percent
21 (10%) of the architects required to take continuing education courses:

22 SECTION 24. IC 25-4-2-13 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The board may
24 adopt rules under IC 4-22-2 to do the following:

- 25 (1) Require continuing education and training for landscape
- 26 architects.
- 27 (2) Set minimum requirements for continuing education and
- 28 training for landscape architects.
- 29 (3) Set minimum requirements for continuing education
- 30 instructors approved by the board.

31 (b) The rules adopted under this section must require a landscape
32 architect to comply with the following: ~~renewal requirements:~~

33 (1) The landscape architect shall provide the board with a sworn
34 statement signed by the landscape architect that the landscape
35 architect has fulfilled the continuing education requirements
36 required by the board.

37 (2) The landscape architect shall retain copies of certificates of
38 completion for continuing education courses for three (3) years
39 after the end of the licensing period for which the continuing
40 education applied. The landscape architect shall provide the board
41 with copies of the certificates of completion upon the board's
42 request for a compliance audit. **requirements under IC 25-1-4.**

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(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the landscape architects required to take continuing education courses.

SECTION 25. IC 25-6.1-3-2, AS AMENDED BY P.L.194-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

- (1) be at least eighteen (18) years of age;
- (2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;
- (3) not have a conviction for:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or
 - (B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

- (1) The value of real estate and of various goods commonly sold at an auction.
- (2) Bid calling.
- (3) Sale preparation, sale advertising, and sale summary.
- (4) Mathematics.
- (5) The provisions of this article and the commission's rules.
- (6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

- (1) Apply in a manner required by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.
- (2) Pay the license fee prescribed by section 5 of this chapter.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an

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1 examination approved by the commission that covers subjects and
 2 topics of knowledge required to practice as an auctioneer. The
 3 commission shall hold examinations as the commission may prescribe.

4 (h) The commission shall issue an auctioneer's license, in such form
 5 as it may prescribe, to each individual who meets all of the
 6 requirements for licensing and pays the appropriate fees.

7 (i) Auctioneer licenses shall be issued for a term of four (4) years.
 8 A license expires at midnight on the date established by the licensing
 9 agency under IC 25-1-6-4 and every fourth year thereafter, unless
 10 renewed before that date. If the license has expired, it may be reinstated
 11 not more than one (1) year after the date it expired upon the payment
 12 of the renewal fee plus the reinstatement fee established under
 13 ~~IC 25-1-8-7~~ IC 25-1-8-6 and submission of proof that the applicant has
 14 complied with the continuing education requirement. If the license has
 15 expired for a period of more than one (1) year, the person must file an
 16 application and take the required examination. However, an applicant
 17 for reinstatement of an expired license is not required to complete the
 18 initial eighty (80) hour education requirement under this section in
 19 order to reinstate the expired license. The holder of an expired license
 20 shall cease to display the original wall certificate at the holder's place
 21 of business and shall return the wall certificate to the commission upon
 22 notification by the commission of the expiration of the holder's license.

23 (j) The commission may waive the requirement that a nonresident
 24 applicant pass an examination and that the nonresident submit written
 25 statements by two (2) individuals, if the nonresident applicant:

- 26 (1) is licensed to act as an auctioneer in the state of the applicant's
- 27 domicile;
- 28 (2) submits with the application a duly certified letter of
- 29 certification issued by the licensing board of the applicant's
- 30 domiciliary state;
- 31 (3) is a resident of a state whose licensing requirements are
- 32 substantially equal to the requirements of Indiana;
- 33 (4) is a resident of a state that grants the same privileges to the
- 34 licensees of Indiana; and
- 35 (5) includes with the application an irrevocable consent that
- 36 actions may be commenced against the applicant. The consent
- 37 shall stipulate that service of process or pleadings on the
- 38 commission shall be taken and held in all courts as valid and
- 39 binding as if service of process had been made upon the applicant
- 40 personally within this state. If any process or pleading mentioned
- 41 in this subsection is served upon the commission, it shall be by
- 42 duplicate copies. One (1) of the duplicate copies shall be filed in

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the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(k) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(l) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

(m) An applicant for a temporary permit must do the following:

(1) File an examination application.

(2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

(n) An individual who does not pass the examination required under subsection (m) may not be issued a temporary permit.

SECTION 26. IC 25-7-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. The agency shall do the following:

(1) Furnish the board with suitable quarters to conduct the board's business.

(2) Maintain a record of:

(A) the proceedings of the board;

(B) each person licensed under this article, including the person's name and address; **and**

(C) the licenses issued under this article, including the:

(i) number assigned to the license by the agency;

(ii) date the license was issued; and

(iii) actions taken by the board concerning the license, including any renewal ~~suspension~~, or ~~revocation~~; **and action taken under IC 25-1-11.**

~~(D) rejected applications for a license under this article.~~

SECTION 27. IC 25-7-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall conduct ~~an a written~~ examination of the applicants for a barber license at least four (4) times each year. The ~~tests~~ **examinations** described in this section:

(1) shall be conducted at the times and places determined by the board; **and**

(2) **must concern the licensed activity of barbering, as the licensed activity is customarily taught in a barber school.**

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1 **The examination may be administered through computer based**
 2 **testing.**

3 (b) ~~The examinations described in subsection (a) must include:~~

- 4 (1) **Each applicant must pass a practical demonstration**
 5 **examination** of the acts permitted by the license. ~~and~~
 6 (2) ~~a written examination concerning the licensed activity; as the~~
 7 **licensed activity is customarily taught in a The practical**
 8 **examination must be administered by the applicant's barber**
 9 **school.**

10 SECTION 28. IC 25-7-6-14, AS AMENDED BY P.L.194-2005,
 11 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2006]: Sec. 14. An expired barber license may be reinstated
 13 by payment of the reinstatement and renewal fees required under
 14 IC 25-1-8-2 and ~~IC 25-1-8-7~~ **IC 25-1-8-6** within five (5) years of the
 15 expiration date of the license. After five (5) years from the date that a
 16 barber license expires under this section, the person whose license has
 17 expired may reinstate the license only by:

- 18 (1) applying for reinstatement of the license;
 19 (2) paying the fees set forth under IC 25-7-11 and ~~IC 25-1-8-7~~;
 20 **IC 25-1-8-6**; and
 21 (3) taking the same examination required under IC 25-7-10 for an
 22 applicant for a license to practice as a registered barber.

23 SECTION 29. IC 25-7-7-3 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application
 25 described in section 2 of this chapter must state that:

- 26 (1) the proposed school will require students to successfully
 27 complete at least one thousand five hundred (1,500) hours of
 28 course work as a requirement for graduation;
 29 (2) not more than eight (8) hours of course work may be taken by
 30 a student during one (1) day;
 31 (3) the course work will provide instruction to students in all
 32 theories and practical applications of barbering, including:
 33 (A) the scientific fundamentals for barbering, hygiene, and
 34 bacteriology;
 35 (B) the histology of hair, skin, muscles, and nerves;
 36 (C) the structure of the head, face, and neck;
 37 (D) elementary chemistry relating to sterilization and
 38 antiseptics;
 39 (E) cutting, shaving, arranging, dressing, coloring, bleaching,
 40 tinting, and permanent waving of the hair; and
 41 (F) at least ten (10) hours of study on skin and diseases of the
 42 skin under a certified dermatologist;



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(4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;

(5) the school will be operated under the personal supervision of a licensed barber instructor;

(6) the applicant has obtained:

(A) a building permit;

(B) a certificate of occupancy; or

(C) any other planning approval required under IC 22-15-3 and IC 36-7-4;

required to operate the school;

(7) the school, if located in the same building as a residence, will:

(A) be separated from the residence by a substantial floor to ceiling partition; and

(B) have a separate entrance; and

(8) as a requirement for graduation, the proposed school must:

(A) administer; and

(B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

~~(8)~~ (9) the applicant has paid the fee set forth in IC 25-7-11-2.

SECTION 30. IC 25-7-7-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. (a) A barber school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.**

(b) The board shall consider an applicant for the barbering professional examination as fulfilling the practical examination requirement established in IC 25-7-6-5 after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) The barber school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

(1) As a result of a complaint received.

(2) As part of random observations.

(3) To collect data.

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SECTION 31. IC 25-7-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~(a)~~ The application described in section 2 of this chapter must state that the applicant:

(1) is either:

(A) at least eighteen (18) years of age; or

(B) at least seventeen (17) years of age and is a graduate of an accredited high school;

(2) has graduated from an approved barber school with not less than one thousand five hundred (1,500) hours of training;

(3) has received a satisfactory grade (as described in IC 25-7-6-6) on an examination for barber license applicants prescribed by the board;

(4) has not committed an act that could subject the applicant to discipline under IC 25-1-11; **and**

~~(5) has a certificate from a physician licensed in Indiana stating:~~

~~(A) that the applicant is free from any contagious, infectious, or communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the practice of barbering; and~~

~~(B) the results of a tubercular and a Wasserman test; and~~

~~(6)~~ (5) has paid the fee set forth in IC 25-7-11 for the issuance of a license under this chapter.

~~(b) The certificate required by subsection (a)(5) must be dated less than thirty (30) days before the date that the applicant is examined under IC 25-7-6.~~

SECTION 32. IC 25-7-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) If a person does not receive a satisfactory grade on the **written** examination described in IC 25-7-6-5, the person may repeat the examination within ninety (90) days after the date of the examination without completing any additional study in barbering.

(b) If a person does not receive a satisfactory grade on the repeat examination described in subsection (a), the person will be permitted to repeat the examination only upon proof of completion of two hundred fifty (250) additional hours of training at an approved barber school.

SECTION 33. IC 25-7-11-2, AS AMENDED BY P.L.194-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2 to establish fees for the application, issuance, and renewal of barber school licenses under IC 25-1-8-2.

(b) In addition to the fee charged under subsection (a), the board

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shall charge a fee for reinstating a barber school license under ~~IC 25-1-8-7~~ **IC 25-1-8-6**.

(c) A barber school license may not be reinstated if at least one (1) year has passed since the license expired. However, the barber school may obtain a new license by:

- (1) making application;
- (2) meeting the requirements for licensure; and
- (3) paying a fee established by the board under IC 25-1-8-2.

SECTION 34. IC 25-7-11-5, AS AMENDED BY P.L.194-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall establish fees under IC 25-1-8-2 for providing an examination to an applicant for a barber license.

(b) The board shall establish fees under IC 25-1-8-2 for issuing or renewing a barber license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a barber license.

SECTION 35. IC 25-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, arms, hands, legs, or feet of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.
- (3) Arching eyebrows.
- (4) Using depilatories.
- (5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6; ~~or~~
- (3) in performing shampooing operations; or**
- ~~(4)~~ **(4)** without compensation.

SECTION 36. IC 25-8-2-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. "Cosmetology professional" refers to the following:

- ~~(1) A master cosmetologist licensed under IC 25-8-8.~~
- ~~(2)~~ **(1)** A cosmetologist licensed under IC 25-8-9.

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~~(3)~~ (2) An electrologist licensed under IC 25-8-10.

~~(4)~~ (3) A manicurist licensed under IC 25-8-11.

~~(5)~~ A shampoo operator licensed under IC 25-8-12.

~~(6)~~ (4) An esthetician licensed under IC 25-8-12.5.

~~(7)~~ (5) An instructor licensed under IC 25-8-6.

SECTION 37. IC 25-8-3-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. ~~(a)~~ A member of the board or any inspector or investigator may inspect:

(1) a cosmetology salon;

(2) an electrology salon;

(3) an esthetic salon;

(4) a manicuring salon; or

(5) a cosmetology school;

during its regular business hours.

~~(b)~~ A member of the board, an inspector, or an investigator must inspect the salon or school at least once after the applicant applies for a renewal under IC 25-8-4-18 and before the license is renewed.

SECTION 38. IC 25-8-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a) Each applicant must pass a final practical demonstration examination of the acts permitted by the license. The applicant's cosmetology school shall administer the final practical demonstration examination.**

(b) The board shall conduct ~~an~~ **a written** examination of the applicants for a cosmetologist license at least once each month. The board shall conduct ~~an~~ **a written** examination of the applicants for all other licenses issued under this article at least four (4) times each year. The ~~tests~~ **written examinations** described in this section:

(1) shall be conducted at the times and places determined by the board; **and**

(2) may be administered through computer based testing.

SECTION 39. IC 25-8-4-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. (a) Notice of passing the board examination serves as a temporary license for an individual applicant to act as a licensee if the applicant sends by:

(1) registered; or

(2) certified mail;

a license fee as required under IC 25-8-13 in the form of a certified check or money order.

(b) The temporary license under subsection (a) expires the earlier of the following:

(1) Sixty (60) days after the mailing date of the notice of passing the board examination.

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(2) The date a license is issued under this article.

SECTION 40. IC 25-8-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. The board shall renew a license if the license holder

(1) pays the fee set forth in IC 25-8-13 to renew the license before the license is to expire. ~~and~~

(2) fulfills the continuing education requirements under ~~IC 25-8-15.~~

SECTION 41. IC 25-8-4-21, AS AMENDED BY P.L.194-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

(1) pays renewal fees established by the board under IC 25-1-8-2;

(2) pays the license reinstatement fee established under ~~IC 25-1-8-7; IC 25-1-8-6; and~~

(3) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board. ~~and~~

(4) fulfills the continuing education requirements under ~~IC 25-8-15.~~

SECTION 42. IC 25-8-4-23, AS AMENDED BY P.L.194-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. The board may reinstate a license issued under this article held by a person described in section 22(a) of this chapter if the applicant:

(1) receives a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;

(2) pays the examination fee set forth in IC 25-8-13;

(3) pays the reinstatement fee established under ~~IC 25-1-8-7; IC 25-1-8-6; and~~

(4) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated.

SECTION 43. IC 25-8-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application described in section 2 of this chapter must state that:

(1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to

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- be eligible to sit for the licensing examination;
- (2) no more than eight (8) hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;
- (5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;
- (6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
- (A) be separated from the residence by a substantial floor to ceiling partition; and
 - (B) have a separate entry; and
- (8) as a requirement for graduation, the proposed school must:**
- (A) administer; and**
 - (B) require the student to pass;**
- a final practical demonstration examination of the acts permitted by the license; and**
- ~~(8)~~ **(9) the applicant has paid the fee set forth in IC 25-8-13-3.**
- SECTION 44. IC 25-8-5-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. (a) A cosmetology school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.**
- (b) The board shall consider an applicant for the cosmetology professional examination as fulfilling the practical examination requirement established in IC 25-8-4-8(1) after successfully completing the final practical demonstration examination.**
- (c) A passing score of at least seventy-five percent (75%) is required on final the practical demonstration examination.**
- (d) The cosmetology school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.**
- (e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:**
- (1) As a result of a complaint received.**

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(2) As part of random observations.

(3) To collect data.

SECTION 45. IC 25-8-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, manicuring, ~~shampooing~~, or the instruction of cosmetology, esthetics, or electrology.

SECTION 46. IC 25-8-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. A person must file a verified application for a temporary:

- (1) cosmetologist work permit;
- (2) electrologist work permit;
- (3) esthetician work permit;
- (4) manicurist work permit;
- ~~(5) shampoo operator work permit;~~
- ~~(6)~~ (5) cosmetology instructor work permit;
- ~~(7)~~ (6) esthetics instructor work permit; or
- ~~(8)~~ (7) electrology instructor work permit;

with the board on a form prescribed by the board to obtain that work permit.

SECTION 47. IC 25-8-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:
 - (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and
- (2) has filed an application under:
 - (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice esthetics under the supervision of an esthetician; and

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- 1 (2) has filed an application under:
- 2 (A) IC 25-8-12.5-3, but has not taken the examination
- 3 described in ~~IC 25-8-12.5-4(a)(4)~~; **IC 25-8-12.5-4(4)**; or
- 4 (B) IC 25-8-4-2 and is awaiting a board determination.
- 5 (d) The temporary manicurist work permit application described in
- 6 section 8 of this chapter must state that the applicant:
- 7 (1) will practice manicuring under the supervision of a
- 8 cosmetologist or manicurist; and
- 9 (2) has filed an application under:
- 10 (A) IC 25-8-11-3, but has not taken the examination described
- 11 in IC 25-8-11-4(4); or
- 12 (B) IC 25-8-4-2 and is awaiting a board determination.
- 13 ~~(e)~~ The temporary shampoo operator work permit application
- 14 described in section 8 of this chapter must state that the applicant:
- 15 ~~(1)~~ will practice shampooing under the supervision of a
- 16 cosmetologist; and
- 17 ~~(2)~~ has filed an application under:
- 18 ~~(A)~~ IC 25-8-12-2, but has not taken the examination described
- 19 in ~~IC 25-8-12-3(4)~~; or
- 20 ~~(B)~~ IC 25-8-4-2 and is awaiting a board determination.
- 21 ~~(f)~~ **(e)** The temporary cosmetology instructor work permit
- 22 application described in section 8 of this chapter must state that the
- 23 applicant:
- 24 (1) will practice the instruction of cosmetology under the
- 25 supervision of a cosmetology instructor; and
- 26 (2) has filed an application under:
- 27 (A) IC 25-8-6-2, but has not taken the examination described
- 28 in IC 25-8-6-3(6); or
- 29 (B) IC 25-8-4-2 and is awaiting a board determination.
- 30 ~~(g)~~ **(f)** The temporary esthetics instructor work permit application
- 31 described in section 8 of this chapter must state that the applicant:
- 32 (1) will practice the instruction of esthetics under the supervision
- 33 of a cosmetology or an esthetics instructor; and
- 34 (2) has filed an application under:
- 35 (A) IC 25-8-6.1-2, but has not taken the examination described
- 36 in IC 25-8-6.1-3(6); or
- 37 (B) IC 25-8-4-5 and is awaiting a board determination
- 38 described in IC 25-8-4-2.
- 39 ~~(h)~~ **(g)** The temporary electrology instructor work permit application
- 40 described in section 8 of this chapter must state that the applicant:
- 41 (1) will practice the instruction of electrology under the
- 42 supervision of an electrology instructor; and

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(2) has filed an application under:

(A) IC 25-8-6.2-2, but has not taken the examination described in IC 25-8-6.2-3(6); or

(B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 48. IC 25-8-13-3, AS AMENDED BY P.L.194-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a cosmetology school license.

SECTION 49. IC 25-8-13-4, AS AMENDED BY P.L.194-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

- (1) a cosmetology instructor license;
- (2) an esthetics instructor license; or
- (3) an electrology instructor license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an instructor license.

SECTION 50. IC 25-8-13-5, AS AMENDED BY P.L.194-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

SECTION 51. IC 25-8-13-7, AS AMENDED BY P.L.194-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a cosmetologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a cosmetologist license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~

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1 **IC 25-1-8-6** for reinstating a cosmetologist license.

2 (d) The board shall charge a fee established by the board under
3 IC 25-1-8-2 for issuing an Indiana cosmetologist license to a person
4 who holds a license from another jurisdiction that meets the
5 requirements set forth in IC 25-8-4-2.

6 SECTION 52. IC 25-8-13-8, AS AMENDED BY P.L.194-2005,
7 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2006]: Sec. 8. (a) The board shall charge a fee established by
9 the board under IC 25-1-8-2 for providing an examination to an
10 applicant for an electrologist license.

11 (b) The board shall charge a fee established by the board under
12 IC 25-1-8-2 for issuing or renewing an electrologist license.

13 (c) The board shall charge a fee established under ~~IC 25-1-8-7~~
14 **IC 25-1-8-6** for reinstating an electrologist license.

15 (d) The board shall charge a fee established by the board under
16 IC 25-1-8-2 for issuing a license to a person who holds an electrologist
17 license from another jurisdiction that meets the requirements under
18 IC 25-8-4-2.

19 SECTION 53. IC 25-8-13-9, AS AMENDED BY P.L.194-2005,
20 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2006]: Sec. 9. (a) The board shall charge a fee established by
22 the board under IC 25-1-8-2 for providing an examination to an
23 applicant for a manicurist license.

24 (b) The board shall charge a fee established by the board under
25 IC 25-1-8-2 for issuing or renewing a manicurist license.

26 (c) The board shall charge a fee required under ~~IC 25-1-8-7~~
27 **IC 25-1-8-6** for reinstating a manicurist license.

28 (d) The board shall charge a fee established by the board under
29 IC 25-1-8-2 for issuing a license to a person who holds a manicurist
30 license from another jurisdiction that meets the requirements under
31 IC 25-8-4-2.

32 SECTION 54. IC 25-8-13-11, AS AMENDED BY P.L.194-2005,
33 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2006]: Sec. 11. (a) The board shall charge a fee established by
35 the board under IC 25-1-8-2 for providing an examination to an
36 applicant for an esthetician license.

37 (b) The board shall charge a fee established by the board under
38 IC 25-1-8-2 for issuing or renewing an esthetician license.

39 (c) The board shall charge a fee established under ~~IC 25-1-8-7~~
40 **IC 25-1-8-6** for reinstating an esthetician license.

41 (d) The board shall charge a fee established by the board under
42 IC 25-1-8-2 for issuing a license to a person who holds an esthetician

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license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 55. IC 25-8-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. An individual with an inactive license:

(1) may not perform an act that requires a cosmetology professional license listed under IC 25-8-2-5.5; **and**

~~(2) is not required to fulfill the continuing education requirements under IC 25-8-15; and~~

~~(3) (2) is not required to pay any fees that a licensee is required to pay until the inactive cosmetology professional applies for reinstatement of the individual's license.~~

SECTION 56. IC 25-8-16-3, AS AMENDED BY P.L.194-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. If an inactive cosmetology professional intends to apply for reinstatement of the professional's license, the cosmetology professional shall notify the board of that intent. The board may reinstate the cosmetology professional's license upon notification and receipt of:

(1) an application; and

~~(2) evidence of completion during the preceding four (4) years of at least sixteen (16) hours of continuing education in a continuing education course approved by the board under IC 25-8-15.~~

(2) pays the fee requirement established by the board under IC 25-1-8-2 for restoration of an inactive license.

SECTION 57. IC 25-13-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. ~~(a) Subject to IC 25-1-4-3, every two (2) years The board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of and the dental hygienists required to take hygienist shall comply with the requirements under IC 25-1-4 concerning continuing education. courses.~~

~~(b) When requested by the board, a dental hygienist shall provide the board with a copy of each verification of attendance retained by the dental hygienist for the previous three (3) years.~~

SECTION 58. IC 25-14-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. ~~(a) Subject to IC 25-1-4-3, every two (2) years The board shall randomly audit for compliance at least one percent (1%) but not more than ten percent (10%) of the dentists required to take and the dentist shall comply with the requirements under IC 25-1-4 concerning continuing education. courses.~~



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(b) When requested by the board, a dentist shall provide the board with a copy of each verification of attendance retained by the dentist for the previous three (3) years.

SECTION 59. IC 25-15-6-4, AS AMENDED BY P.L.194-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The board shall reinstate the expired license of an individual who:

- (1) was licensed as a funeral director or embalmer;
- (2) applies for reinstatement of the funeral director license or embalmer license within two (2) years or four (4) years of the date that the license expired as set by the board;
- (3) pays a fee established under ~~IC 25-1-8-7~~, **IC 25-1-8-6**; and
- (4) meets the continuing education requirements set by the board.

SECTION 60. IC 25-15-6-6, AS AMENDED BY P.L.194-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The board may reinstate the license of:

- (1) a person that has allowed a funeral home license to expire only if the person reapplies for a funeral home license, pays a fee established under ~~IC 25-1-8-7~~, **IC 25-1-8-6**, and otherwise meets the requirements in IC 25-15-4-1;
- (2) an individual whose funeral director intern license has expired only if the individual reapplies for a funeral director intern license, takes another examination, if required by the board, pays a fee established under ~~IC 25-1-8-7~~, **IC 25-1-8-6**, and otherwise meets the requirements in IC 25-15-4-2; or
- (3) an individual whose funeral director license has expired after the time set in section 4 of this chapter has run only if the individual reapplies for a funeral director license, takes another examination, pays a fee established under ~~IC 25-1-8-7~~, **IC 25-1-8-6**, and otherwise meets the requirements in IC 25-15-4-3(b).

The board may not reinstate an embalmer license or a funeral director license for a person qualified only under IC 25-15-4-3(d) after the time set under section 4 of this chapter has expired.

SECTION 61. IC 25-22.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to retire from practice shall notify the board in writing of **the physician's** intention to retire. ~~and shall surrender his license to practice to the board.~~ Upon receipt of this notice ~~and license~~, the board shall record the fact that the physician is retired and excuse the person from further payment of registration fees. If any physician ~~surrenders~~

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1 ~~his~~ **retires the physician's** license to practice medicine or osteopathic
 2 medicine in this state, reinstatement of the license may be considered
 3 by the board upon written request. The board may impose any
 4 conditions it considers appropriate to the ~~surrender~~ **retirement** or to
 5 the reinstatement of a ~~surrendered~~ **retired** license. If any disciplinary
 6 proceedings under this chapter are pending against a physician, ~~he~~ **the**
 7 **physician** may not surrender ~~his~~ **or retire the physician's** license to
 8 practice without the written approval of the board.

9 (b) Any physician licensed to practice medicine or osteopathic
 10 medicine in this state who intends to become inactive in the practice of
 11 medicine shall notify the board in writing that:

- 12 (1) ~~he~~ **the physician** will not maintain an office or practice; and
 13 (2) if ~~he~~ **the physician** does render a service that constitutes the
 14 practice of medicine, ~~he~~ **the physician** will not charge a fee for
 15 that service.

16 The board shall then classify the physician's license as inactive. The
 17 renewal fee of the inactive license is one-half (1/2) of the registration
 18 fee.

19 (c) If a physician holding an inactive license intends to maintain an
 20 office or practice or charge a fee for ~~his~~ **the physician's** medical
 21 services, ~~he~~ **the physician** shall notify the board of the intent to
 22 reactivate a license to practice medicine or osteopathy. **As a condition**
 23 **of reactivation, the board may require the physician to appear**
 24 **before the board. This personal appearance shall be to establish the**
 25 **physician's work history if the physician's license has been inactive**
 26 **for more than two (2) renewal cycles and the physician cannot**
 27 **verify active practice history in another jurisdiction during the**
 28 **period in which the physician's Indiana license has been under**
 29 **inactive status. Upon:**

- 30 (1) notification; ~~and~~
 31 (2) receipt of the regular registration fee for a physician's license,
 32 ~~less the amount paid for the current inactive license; and~~
 33 (3) either:
 34 (A) verification of active licensure in another jurisdiction;
 35 or
 36 (B) completion of other reasonable requirements imposed
 37 by the board, after the physician's work history has been
 38 established;

39 the board shall reinstate that physician's license.

40 SECTION 62. IC 25-23-1-19.8 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.8. (a) Before
 42 December 31 of an even-numbered year, the ~~bureau~~ **Indiana**

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1 **professional licensing agency** or the ~~bureau's~~ **agency's** designee shall
 2 randomly audit at least one percent (1%) but not more than ten percent
 3 (10%) of the practice agreements of advanced practice nurses with
 4 authority to prescribe legend drugs under section 19.5 of this chapter
 5 to determine whether the practice agreement meets the requirements of
 6 this chapter or rules adopted by the board.

7 (b) The ~~bureau~~ **Indiana professional licensing agency** shall
 8 establish an audit procedure, which may include the following:

9 (1) Requiring the advanced practice nurse to provide the ~~bureau~~
 10 **agency** with a copy of verification of attendance at or completion
 11 of a continuing education course or program the advanced
 12 practice nurse attended during the previous two (2) years.

13 (2) Requiring the advanced practice nurse and the licensed
 14 practitioner who have entered into a practice agreement to submit
 15 information on a form prescribed by the ~~bureau~~ **agency** that must
 16 include a sworn statement signed by the advanced practice nurse
 17 and the licensed practitioner that the parties are operating within
 18 the terms of the practice agreement and the requirements under
 19 this chapter or rules adopted by the board.

20 (3) Reviewing patient health records and other patient information
 21 at the practice location or by requiring the submission of accurate
 22 copies to determine if the parties are operating within the terms
 23 of the practice agreement and the requirements under this chapter
 24 or rules adopted by the board.

25 (4) After a reasonable determination that the advanced practice
 26 nurse and the licensed practitioner who have entered into a
 27 practice agreement are not operating within the terms of the
 28 practice agreement, requiring the parties to appear before the
 29 ~~bureau~~ **agency** or the ~~bureau's~~ **agency's** designee to provide
 30 evidence of compliance with the practice agreement.

31 (c) Not more than sixty (60) days after the completion of the audit
 32 required in subsection (a), the ~~bureau~~ **Indiana professional licensing**
 33 **agency** shall provide the board with the following:

34 (1) A summary of the information obtained in the audit.

35 (2) A statement regarding whether an advanced practice nurse
 36 and a licensed practitioner who have entered into a practice
 37 agreement that is audited under subsection (a) are operating
 38 within the terms of the practice agreement.

39 The ~~bureau~~ **agency** shall also provide a copy of the information
 40 described in this subsection to the board that regulates the licensed
 41 practitioner.

42 (d) The ~~bureau~~ **Indiana professional licensing agency** may cause

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to be served upon the advanced practice nurse an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the advanced practice nurse for the advanced practice nurse's failure to comply with:

- (1) an audit conducted under this section; or
- (2) the requirements of a practice agreement under this chapter.

(e) **Except for a violation concerning continuing education requirements under IC 25-1-4**, the board shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (d).

(f) The board that regulates the licensed practitioner may cause to be served upon the licensed practitioner an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the licensed practitioner for the licensed practitioner's failure to comply with:

- (1) an audit conducted under this section; or
- (2) the requirements of a practice agreement under this chapter.

(g) The board that regulates the licensed practitioner shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (f).

(h) An order to show cause issued under this section must comply with the notice requirements of IC 4-21.5.

(i) The licensed practitioner may divulge health records and other patient information to the ~~bureau~~ **Indiana professional licensing agency** or the ~~bureau's agency's~~ designee. The licensed practitioner is immune from civil liability for any action based upon release of the patient information under this section.

SECTION 63. IC 25-23.7-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Notwithstanding IC 25-1-2, ~~the holder of~~ a license issued under IC 25-23.7-5 ~~expires~~ **shall renew the license and pay the required renewal fee every** four (4) years after it is issued ~~at a time and on or before the date designated established~~ **by the board: Indiana professional licensing agency under IC 25-1-6-4.**

SECTION 64. IC 25-24-1-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.2. (a) Notwithstanding section 3 of this chapter, the board may issue or renew a limited license to practice optometry at the Indiana University School of Optometry if the applicant:

- (1) holds an active license in another jurisdiction; and
- (2) meets the continuing education requirements under section 14.1 of this chapter.

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(b) A limited license issued under this section is valid for two (2) years.

(c) A limited license issued under this section does not allow the holder of the license to be granted or have renewed a certificate to administer, dispense, or prescribe legend drugs unless the holder of the license meets the requirements of ~~IC 25-26-15-15~~, ~~IC 25-26-15-16~~, and ~~IC 25-26-15-18~~. **IC 25-24-3-12, IC 25-24-3-13, and IC 25-23-3-15.**

SECTION 65. IC 25-24-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3. Optometric Legend Drugs

Sec. 1. As used in this chapter, "associated structures of the eye" means the:

- (1) eyelids;
- (2) eyebrows;
- (3) conjunctiva;
- (4) lachrymal apparatus; and
- (5) orbital tissues.

Sec. 2. As used in this chapter, "administer" means the direct application of a legend drug by an optometrist to a patient.

Sec. 3. As used in this chapter, "board" means the Indiana optometry board established by IC 25-24-1-1.

Sec. 4. As used in this chapter, "diagnostic legend drug" means a pharmacological agent approved by the board that is used in the examination of the human eye to detect abnormalities.

Sec. 5. As used in this chapter, "dispense" means to deliver a legend drug to an ultimate user by or pursuant to a lawful order of an optometrist. The term includes the:

- (1) prescribing;
- (2) administering;
- (3) packaging;
- (4) labeling; or
- (5) compounding;

necessary to prepare the drug for delivery.

Sec. 6. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199. The term does not include controlled substances (as defined in IC 35-48-1-9).

Sec. 7. As used in this chapter, "optometrist" means an individual licensed as an optometrist under IC 25-24-1.

Sec. 8. As used in this chapter, "prescription" means a written order or an order transmitted by other means of communication that is immediately reduced to writing by the pharmacist or, for

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electronically transmitted orders, recorded in an electronic format from an optometrist to or for an ultimate user for a drug or device, containing:

- (1) the name and address of the patient;
- (2) the date of issue;
- (3) the name and strength or size (if applicable) of the drug or device;
- (4) the amount to be dispensed (unless indicated by directions and duration of therapy);
- (5) adequate directions for the proper use of the drug or device by the patient;
- (6) the name and certification number of the prescribing optometrist; and
- (7) if the prescription:
 - (A) is in written form, the signature of the optometrist; or
 - (B) is in electronic form, the electronic signature of the optometrist.

Sec. 9. As used in this chapter, "therapeutic legend drug" means a pharmacological agent that is used in the treatment of a diagnosed condition of the:

- (1) human eye; or
- (2) associated structures of the human eye.

Sec. 10. The board shall do the following:

- (1) Adopt rules under IC 4-22-2 to do the following:
 - (A) Establish a formulary of legend drugs that may be prescribed, dispensed, or administered by an optometrist.
 - (B) Set fees described in IC 25-1-8.
 - (C) Carry out this chapter.
- (2) Establish education and training requirements in ocular pharmacology required for certification to do the following:
 - (A) Administer therapeutic legend drugs.
 - (B) Dispense legend drugs.
 - (C) Prescribe legend drugs.
- (3) Establish continuing education requirements for renewal of the certificate issued under this chapter.

Sec. 11. (a) The formulary established under section 10 of this chapter shall include legend drugs that:

- (1) may be independently prescribed by an optometrist; or
 - (2) must be dependently prescribed by an optometrist.
- (b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:

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(1) those legend drugs for which the optometrist must notify only the patient's physician that the optometrist is prescribing the legend drug; and

(2) those legend drugs for which the optometrist must consult with the patient's physician before the prescribing the legend drug.

(c) If the patient has no physician, the optometrist must document such in the patient's file.

(d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:

(1) the patient's physician has been contacted; or

(2) the patient has indicated to the optometrist that the patient has no physician.

(e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may prescribe the legend drug without notifying the patient's physician.

Sec. 12. The board shall issue a certificate to a licensed optometrist who:

(1) applies; and

(2) successfully fulfills all the requirements of this chapter.

Sec. 13. An optometrist who applies for a certificate to administer, dispense, and prescribe legend drugs must meet the following requirements:

(1) Apply in the form and manner prescribed by the board.

(2) Provide proof of education in ocular pharmacology from a school or college of optometry or medicine approved by the optometry board.

(3) Pass the Treatment and Management of Ocular Disease (TMOD) examination that is sponsored by the International Association of Boards of Examiners in Optometry (IAB) and administered by the National Board of Examiners in Optometry.

(4) Pay the fee established by the board.

Sec. 14. An applicant must hold a license to practice optometry in order to hold a certificate.

Sec. 15. The board shall renew a certificate issued under this chapter:

(1) concurrently with the renewal of the optometrist's license to practice optometry;

(2) upon payment of the renewal fee established by the board; and

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(3) upon completion of continuing education requirements established under section 10 of this chapter.

Sec. 16. (a) Optometrists may administer topical diagnostic legend drugs limited to:

- (1) miotics;
- (2) mydriatics;
- (3) anesthetics; and
- (4) cycloplegics;

without holding a certificate issued under this chapter. These pharmaceutical agents may be applied in diagnostic procedures only as a part of an examination of the eye.

(b) The board may authorize an optometrist holding a certificate issued under this chapter to:

- (1) administer for therapeutic use;
- (2) dispense; or
- (3) prescribe;

legend drugs that are included in the formulary established by the board under section 10 of this chapter, in the treatment of any condition of the eye or the associated structures of the eye.

Sec. 17. (a) An optometrist may not:

- (1) administer, dispense, or prescribe therapeutic legend drugs; or
- (2) dispense or prescribe diagnostic legend drugs;

unless the optometrist is certified under this chapter.

(b) An optometrist may administer diagnostic legend drugs without obtaining a certificate under this chapter.

(c) An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 66. IC 25-26-13-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. Pharmacists licensed by Indiana may fill prescriptions of optometrists who are:

- (1) licensed by Indiana; and
- (2) certified under ~~IC 25-26-15~~; **IC 25-24-3**;

for a drug that is included in the formulary adopted under ~~IC 25-26-15-13~~. **IC 25-24-3-10**.

SECTION 67. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. (a) ~~Except as~~ provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in ~~IC 3-6-6-36~~) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent

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that the law enforcement officer is engaged in the business of private detective as an individual with the assistance of a licensed or unlicensed person.

SECTION 68. IC 25-30-1-16, AS AMENDED BY P.L.194-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Unless a license is renewed, a license and the identification cards of the licensee's employees issued under this chapter expire on a date specified by the licensing agency under IC 25-1-6-4 and expire biennially after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) A licensee desiring a renewal license must:

(1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and

(2) meet the license renewal requirements determined by the board.

(d) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

(1) Files an application for renewal with the board.

(2) Meets the license requirements determined by the board.

(3) Pays a fee established under ~~IC 25-1-8-7~~ IC 25-1-8-6.

(e) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

SECTION 69. IC 25-33-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) A person who:

(1) is licensed to practice psychology by any board or licensing agency of another state or jurisdiction; and

(2) meets the requirements established by the board;

may be issued a temporary psychology permit limited by terms and conditions considered appropriate by the board. A limited scope temporary psychology permit issued under this subsection is valid for a nonrenewable period of not more than thirty (30) days. A psychologist may practice under a limited scope psychology permit not more than thirty (30) days every two (2) years.

(b) The board may adopt rules under section 3 of this chapter establishing requirements for limited scope temporary psychology

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permits.

(c) An individual who holds a limited scope temporary psychology permit under this section may be disciplined by the board under IC 25-1-9.

SECTION 70. IC 25-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a) Subject to IC 25-1-4-3, every two (2) years~~ The board shall randomly audit and licensed psychologists to ensure compliance of **shall comply with the requirements concerning** continuing education requirement: under IC 25-1-4.

(b) When requested by the board, a psychologist shall provide the board with a copy of each verification of attendance retained by the psychologist for the previous three ~~(3)~~ years.

SECTION 71. IC 25-34.1-3-3.1, AS AMENDED BY P.L.194-2005, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.1. (a) To obtain a salesperson license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to practice competently; or

(C) a crime that indicates the individual has the propensity to endanger the public;

(2) have successfully completed courses in the principles, practices, and law of real estate, totaling eight (8) semester credit hours, or their equivalent, as a student at an accredited college or university or have successfully completed an approved salesperson course as provided in IC 25-34.1-5-5(a);

(3) apply for a license by submitting the ~~application~~ fee prescribed by the commission and an application containing the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the principal broker's address where the business is to be conducted, proof of compliance with subdivision (2), and any other information the commission requires;

(4) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(5) submit not more than one ~~hundred twenty (120) days~~ **(1) year** after passing the written examination under subdivision (4)

~~(A) the license fee established by the commission under~~

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- 1 ~~IC 25-1-8-2; and~~
 2 ~~(B)~~ a sworn certification of a principal broker that the
 3 principal broker intends to associate with the applicant and
 4 maintain that association until notice of termination of the
 5 association is given to the commission.
 6 (b) Upon the applicant's compliance with the requirements of
 7 subsection (a), the commission shall:
 8 (1) issue a wall certificate in the name of the salesperson to the
 9 principal broker who certified the applicant's association with the
 10 principal broker; and
 11 (2) issue to the salesperson a pocket identification card which
 12 certifies that the salesperson is licensed and indicates the
 13 expiration date of the license and the name of the principal
 14 broker.
 15 (c) Notice of passing the commission examination serves as a
 16 temporary permit to act as a salesperson as soon as the applicant sends,
 17 by registered or certified mail with return receipt requested, the ~~license~~
 18 ~~fee and certification as prescribed in subsection (a)(5)(A) and~~
 19 ~~(a)(5)(B); (a)(5).~~ The temporary permit expires the earliest of the
 20 following:
 21 (1) The date the license is issued.
 22 (2) The date the applicant's association with the certifying
 23 principal broker is terminated.
 24 The temporary permit may not be renewed, extended, reissued, or
 25 otherwise effective for any association other than with the initial
 26 certifying principal broker.
 27 (d) A salesperson shall:
 28 (1) act under the auspices of the principal broker responsible for
 29 that salesperson's conduct under this article;
 30 (2) be associated with only one (1) principal broker;
 31 (3) maintain evidence of licensure in the office, branch office, or
 32 sales outlet of the principal broker;
 33 (4) advertise only in the name of the principal broker, with the
 34 principal broker's name in letters of advertising larger than that of
 35 the salesperson's name; and
 36 (5) not maintain any real estate office apart from that office
 37 provided by the principal broker.
 38 (e) Upon termination of a salesperson's association with a principal
 39 broker, the salesperson's license shall be returned to the commission
 40 within five (5) business days. The commission shall reissue the license
 41 to any principal broker whose certification, as prescribed in subsection
 42 ~~(a)(5)(B); (a)(5),~~ is filed with the commission, and the commission

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shall issue a new identification card to the salesperson reflecting that change.

(f) Unless a license is renewed, a salesperson license expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action. If a salesperson fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless that salesperson again complies with the requirements of subsection (a)(3), (a)(4), and (a)(5).

(g) A salesperson license may be issued to an individual who is not yet associated with a principal broker but who otherwise meets the requirements of subsection (a). A license issued under this subsection shall be held by the commission in an unassigned status until the date the individual submits the certification of a principal broker required by subsection (a)(5). If the individual does not submit the application for licensure within one ~~hundred twenty (120) days~~ (1) year after passing the commission examination, the commission shall void the application and may not issue a license to that applicant unless the applicant again complies with the requirements of subsection (a)(4) through (a)(5).

(h) If an individual holding a salesperson license is not associated with a principal broker for two (2) successive renewal periods, the commission shall notify the individual in writing that the individual's license will become void if the individual does not associate with a principal broker within thirty (30) days from the date the notification is mailed. A void license may not be renewed.

SECTION 72. IC 25-34.1-3-4.1, AS AMENDED BY P.L.194-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.1. (a) To obtain a broker license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

- (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
- (B) a crime that has a direct bearing on the individual's ability to practice competently; or
- (C) a crime that indicates the individual has the propensity to

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- 1 endanger the public;
- 2 (2) have satisfied section 3.1(a)(2) of this chapter and have had
- 3 continuous active experience for one (1) year immediately
- 4 preceding the application as a licensed salesperson in Indiana.
- 5 However, this one (1) year experience requirement may be
- 6 waived by the commission upon a finding of equivalent
- 7 experience;
- 8 (3) have successfully completed an approved broker course of
- 9 study as prescribed in IC 25-34.1-5-5(b);
- 10 (4) apply for a license by submitting the application fee
- 11 prescribed by the commission and an application specifying the
- 12 name, address, and age of the applicant, the name under which
- 13 the applicant intends to conduct business, the address where the
- 14 business is to be conducted, proof of compliance with
- 15 subdivisions (2) and (3), and any other information the
- 16 commission requires;
- 17 (5) pass a written examination prepared and administered by the
- 18 commission or its duly appointed agent; and
- 19 (6) within one ~~hundred twenty (120) days~~ **(1) year** after passing
- 20 the commission examination, submit the license fee established
- 21 by the commission under IC 25-1-8-2. If an individual applicant
- 22 fails to file a timely license fee, the commission shall void the
- 23 application and may not issue a license to that applicant unless
- 24 that applicant again complies with the requirements of
- 25 subdivisions (4) and (5) and this subdivision.
- 26 (b) To obtain a broker license, a partnership must:
- 27 (1) have as partners only individuals who are licensed brokers;
- 28 (2) have at least one (1) partner who:
- 29 (A) is a resident of Indiana; or
- 30 (B) is a principal broker under IC 25-34.1-4-3(b);
- 31 (3) cause each employee of the partnership who acts as a broker
- 32 or salesperson to be licensed; and
- 33 (4) submit the license fee established by the commission under
- 34 IC 25-1-8-2 and an application setting forth the name and
- 35 residence address of each partner and the information prescribed
- 36 in subsection (a)(4).
- 37 (c) To obtain a broker license, a corporation must:
- 38 (1) have a licensed broker:
- 39 (A) residing in Indiana who is either an officer of the
- 40 corporation or, if no officer resides in Indiana, the highest
- 41 ranking corporate employee in Indiana with authority to bind
- 42 the corporation in real estate transactions; or

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- (B) who is a principal broker under IC 25-34.1-4-3(b);
- (2) cause each employee of the corporation who acts as a broker or salesperson to be licensed; and
- (3) submit the license fee established by the commission under IC 25-1-8-2, an application setting forth the name and residence address of each officer and the information prescribed in subsection (a)(4), a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state.
- (d) To obtain a broker license, a limited liability company must:
- (1) if a member-managed limited liability company:
- (A) have as members only individuals who are licensed brokers; and
- (B) have at least one (1) member who is:
- (i) a resident of Indiana; or
- (ii) a principal broker under IC 25-34.1-4-3(b);
- (2) if a manager-managed limited liability company, have a licensed broker:
- (A) residing in Indiana who is either a manager of the company or, if no manager resides in Indiana, the highest ranking company officer or employee in Indiana with authority to bind the company in real estate transactions; or
- (B) who is a principal broker under IC 25-34.1-4-3(b);
- (3) cause each employee of the limited liability company who acts as a broker or salesperson to be licensed; and
- (4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the information prescribed in subsection (a)(4), together with:
- (A) if a member-managed company, the name and residence address of each member; or
- (B) if a manager-managed company, the name and residence address of each manager, or of each officer if the company has officers.
- (e) Licenses granted to partnerships, corporations, and limited liability companies are issued, expire, are renewed, and are effective on the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of the license of:
- (1) any partner in a partnership or all individuals in a corporation satisfying subsection (c)(1); or
- (2) a member in a member-managed limited liability company or all individuals in a manager-managed limited liability company

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1 satisfying subsection (d)(2);
 2 terminates the license of that partnership, corporation, or limited
 3 liability company.

4 (f) Upon the applicant's compliance with the requirements of
 5 subsection (a), (b), or (c), the commission shall issue the applicant a
 6 broker license and an identification card which certifies the issuance
 7 of the license and indicates the expiration date of the license. The
 8 license shall be displayed at the broker's place of business.

9 (g) Notice of passing the commission examination serves as a
 10 temporary permit for an individual applicant to act as a broker as soon
 11 as the applicant sends, by registered or certified mail with return
 12 receipt requested, a timely license fee as prescribed in subsection
 13 (a)(6). The temporary permit expires the earlier of one ~~hundred twenty~~
 14 ~~(+20) days~~ **(1) year** after the date of the notice of passing the
 15 examination or the date a license is issued.

16 (h) Unless the license is renewed, a broker license expires, for
 17 individuals, on a date specified by the licensing agency under
 18 IC 25-1-6-4 and expires biennially after the initial expiration date. An
 19 applicant for renewal shall submit an application in the manner
 20 prescribed by the board and pay the renewal fee established by the
 21 commission under IC 25-1-8-2 on or before the renewal date specified
 22 by the licensing agency. If the holder of a license does not renew the
 23 license by the date specified by the licensing agency, the license
 24 expires and becomes invalid without the board taking any action. If a
 25 broker fails to reinstate a license within eighteen (18) months after
 26 expiration, a license may not be issued unless the broker again
 27 complies with the requirements of subsection (a)(4), (a)(5), and (a)(6).

28 (i) A partnership, corporation, or limited liability company may not
 29 be a broker-salesperson except as authorized in IC 23-1.5. An
 30 individual broker who associates as a broker-salesperson with a
 31 principal broker shall immediately notify the commission of the name
 32 and business address of the principal broker and of any changes of
 33 principal broker that may occur. The commission shall then change the
 34 address of the broker-salesperson on its records to that of the principal
 35 broker.

36 SECTION 73. IC 25-34.1-3-10 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A salesperson
 38 licensed under section 3.1 of this chapter or a broker licensed under
 39 section 4.1 of this chapter may apply for and receive an inactive license
 40 from the commission.

41 (b) An individual may not be granted an inactive license without the
 42 approval of the commission if a disciplinary or suspension hearing is

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pending against the individual.

(c) An individual with an inactive license:

(1) may not perform an act that requires a salesperson or broker's license;

(2) is not required to fulfill the continuing education requirements under IC 25-34.1-9;

(3) is required to pay any fees that a licensee is required to pay; and

(4) must fulfill the ~~requirement~~ **requirements** under ~~IC 25-34.1-9-11(1)~~ **IC 25-34.1-9-11** for the current licensing period before applying for reactivation of the individual's license.

(d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt rules under IC 4-22-2 establishing continuing education requirements for individuals who have reactivated a license with less than twelve (12) months remaining in the licensing period.

SECTION 74. IC 25-34.1-9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. ~~(a)~~ **Subject to IC 25-1-4**, the commission may deny renewal of the license of a licensee that does not fulfill the requirements of this chapter.

~~(b) Suspension proceedings shall be conducted in accordance with IC 4-21.5 and the commission has all powers granted under IC 4-21.5.~~

SECTION 75. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 25-1-8-7; IC 25-7-10-13; IC 25-8-2-2.5; IC 25-8-2-16; IC 25-8-2-18; IC 25-8-4-8.5; IC 25-8-8; IC 25-8-12; IC 25-8-13-6; IC 25-8-13-10; IC 25-8-15; IC 25-13-2-8; IC 25-13-2-11; IC 25-13-2-12; IC 25-13-2-13; IC 25-14-3-10; IC 25-14-3-13; IC 25-14-3-14; IC 25-14-3-15; IC 25-20-1-4; IC 25-26-15; IC 25-33-2-3.

SECTION 76. [EFFECTIVE JULY 1, 2006] **(a) The rules adopted by the optometric legend drug prescription advisory committee under IC 25-26-15-13, as repealed by this act, before July 1, 2006, and in effect on June 30, 2006, shall be treated after June 30, 2006, as the rules of the Indiana optometry board under IC 25-24-3, as added by this act.**

(b) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the optometric legend drug prescription advisory committee shall be treated after June 30, 2006, as a reference to the Indiana optometry board.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 333, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 10, line 41, strike "Every two (2) years" and insert "**Following every license renewal period**".

Page 34, delete lines 33 through 42.

Delete pages 35 through 37.

Page 38, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 333 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 333 be amended to read as follows:

Page 34, line 23, delete "impose any conditions it considers" and insert "**require the physician to appear before the board. This personal appearance shall be to establish the physician's work history if the physician's license has been inactive for more than two (2) renewal cycles and the physician cannot verify active practice history in another jurisdiction during the period in which the physician's Indiana license has been under inactive status.**".

Page 34, delete lines 24 through 25.

Page 34, line 26, delete "physician's skills in the physician's intended area of practice.".

Page 34, delete lines 30 through 31, begin a new line block indented and insert:

"(3) either:

(A) verification of active licensure in another jurisdiction;
or

(B) completion of other reasonable requirements imposed by the board, after the physician's work history has been

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established;".

(Reference is to SB 333 as printed January 27, 2006.)

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